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December 6, 1995

Via Federal Express

Mr. Darrin Swartz-Larson  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street (H-6-2)  
San Francisco, California 94105

Re: OFFER OF DE MINIMIS SETTLEMENT AND  
INFORMATION REQUESTS concerning Lorentz Barrel  
and Drum Superfund Site 1515 South 10th Street, San Jose,  
California

Dear Mr. Swartz-Larson:

By letters dated September 29, 1995 to me on behalf of "Kelly-Pickering Chemicals" and to James Hardyman of Textron Inc. ("Textron") for "Spencer Kellogg Company," EPA has conveyed de minimis settlement offers and information requests concerning the above site. I represent Textron in this matter and this letter responds to the information requests included with the EPA letters. I have responded separately to Mr. Nathan Lau regarding the de minimis settlement offer.

A. BACKGROUND

From approximately August 3, 1970 until approximately August 1, 1985, Textron was the owner of a resin manufacturing plant located at 952 Branston Road in San Carlos, California (the "San Carlos plant"). During this period, the San Carlos plant was operated at certain times under each of the "Kelly-Pickering" and "Spencer Kellogg" names.

**B. TEXTRON'S RESPONSE TO EPA'S INFORMATION  
REQUEST TO "SPENCER KELLOGG COMPANY"**

1. *Please provide your name and current address.*

Peter Simshauser, Esq.; Skadden, Arps, Slate, Meagher & Flom;  
300 South Grand Ave., Suite 3400; Los Angeles, California 90071;  
responding on behalf of Textron Inc.; Attention Jamieson M.  
Schiff, Esq.; 40 Westminister Street, Providence, Rhode Island  
02903

2. *Identify the name, address, and telephone number of the person to whom EPA should direct future correspondence in regard to this matter on your behalf. If you will be represented by counsel regarding this matter, you may provide your attorney's name, address, and telephone number.*

Please direct future correspondence to Messrs. Jamieson M. Schiff and Peter Simshauser at the above addresses. Mr. Schiff's telephone number is 401/457-2422 and Mr. Simshauser's is 213/687-5930.

3. *Briefly describe the type of business engaged in by you during the period in which your barrels, drums, or other containers went to the Site. Please also identify the Standard Industrial Classification ("SIC") code for such business, if any.*

Textron owned the San Carlos plant from 1970 until 1985. Textron has not owned any interest in the San Carlos plant since 1985. Textron sold the San Carlos plant in 1985 to N.L. Chemicals, Inc. ("N.L."), and Textron is informed and believes that N.L. sold the San Carlos plant in 1989 to Reichold Chemical Corp. During Textron's ownership, resins were produced at the San Carlos plant that were sold to the paint, ink, electrical and adhesive industries. The resins were urethane, copolymer and alkyd resins, and were produced primarily from vegetable oils and related materials.

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4. *Please identify all persons consulted in preparing your response.*

Because Textron sold the San Carlos plant in 1985, its officers and employees possess, to Textron's knowledge, no information about the San Carlos plant relating to the identification, nature and quantity of materials which have been or are generated, treated, stored, or disposed of at the Lorentz Barrel facility. In 1989, in preparing a response to an EPA CERCLA § 104(e) request to Kelly Pickering, Textron consulted the individuals listed below, who at that time had the below-listed addresses. The responses herein are based on information supplied by these individuals:

Brian Nippa  
Reichold Chemicals  
952 Branston Road  
San Carlos, CA  
(415) 593-8443

Fred Furrer  
Saronix  
Palo Alto, CA  
(415) 856-6900

Jim Orfans  
Spencer Kellogg  
952 Branston Road  
San Carlos, CA  
(415) 593-8443

Jim Tracewski  
N.L. Chemicals  
Wickoffs Mill Road  
Hightstown, New Jersey  
(609) 443-2329

5. *If you are an individual, please identify any company with which you are or were affiliated that sent or transported or arranged for the transportation of barrels, drums, or other containers to the Site.*

Not applicable.

6. *Identify the person(s) who selected the Site as the location to which the barrels, drums, or other containers were transported.*

Textron lacks knowledge or information about this subject.

7. *Identify all hazardous substances used, manufactured, produced, or generated at your facility (whether raw materials, intermediate product, final product, or materials used in maintenance of your facility, such as cleaning materials) that may have been placed in barrels, drums, or other containers at any time during the period in which your barrels, drums, or others containers went to the Site. Include, if applicable, the EPA hazardous waste classification number(s) identified in 40 C.F.R. Part 261 D for each such substance.*

Textron is informed and believes that the only such substances are minute amounts of certain solvents that may have been a component in residues found in a small portion of the empty barrels sent from the San Carlos plant to Lorentz. (The San Carlos plant only sent empty barrels to Lorentz.) However, none of the empty barrels sent to Lorentz contained any TCE, TCA, DCE, DCA or vinyl chloride whatsoever. In particular, the San Carlos plant may have sent empty barrels which formerly contained out-of-specification ("off spec") material to Lorentz. The number of such barrels varied over time. Textron believes that on average 5-15 such barrels were sent monthly. Residues in the empty barrels may have contained detectable amounts of certain petroleum solvents, some of which are listed hazardous substances under 40 C.F.R. § 302.4. These are:

Butyl Alcohol  
Isobutyl Alcohol  
Methyl Ethyl Ketone

Methyl Isobutyl Ketone  
Normal Butyl Acetate

8. *Describe in detail the final disposition of all waste streams generated or produced at your facility that contained hazardous substances and were generated or produced during the period in which your barrels, drums, or other containers went to the Site. Include a description of the disposal or other disposition of all barrels, drums, or other containers used at your facility during this time period, (including any such containers not sent to the Site).*

Textron objects to this request as beyond the scope of CERCLA § 104(e) to the extent it seeks information not directly relating to the identification, nature and quantity of materials which have been or are generated, treated, stored, or disposed of at the Lorentz Barrel facility. Notwithstanding this objection, Textron responds as follows: Textron is informed and believes that certain barrels from the San Carlos plant containing the substances identified in response to question number 7 above may have been sent to the "Bay Area Drum" site in the San Francisco area. Textron notes that it is a member of the PRP committee that is conducting an investigation of the Bay Area Drum site under the supervision of the California EPA Department of Toxic Substances.

9. *Provide copies of all documents (including, but not limited to invoices, receipts, manifests, shipping papers, customer lists, and contracts) which may reflect or evidence the transfer of any materials to the Site or arrangements under which the transfer of any materials to the Site took place. Please also provide one master list of all such documents.*

Textron sold the San Carlos plant as a going concern and accordingly is informed and believes that all documents within the scope of this request were left at the San Carlos plant in 1985. Accordingly, Textron is informed and believes that it possesses no documents responsive to this request.

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10. *For each group of barrels, drums, or other containers which you or your representative transported, sent, or arranged for transportation of to the Site (including groups of barrels, drums, or other containers which were full, empty, or partially empty):*

A. *state the date of transport;*

Textron's best information and belief is that empty barrels were sent regularly to Lorentz during the 1970's from the San Carlos plant.

B. *state the number of barrels, drums or other containers transported;*

Textron's investigation has not enabled it to determine the number of such barrels, drums or other containers. Textron is informed and believes that, as described above, the San Carlos plant sent approximately 5-15 barrels per month that may have contained residues of resins containing certain hazardous substances. Textron is further informed and believes that the San Carlos plant sent approximately 140 barrels per month that may have contained residues of non-hazardous substances.

C. *describe the nature, including chemical composition and formulation, and, if applicable, provide the EPA hazardous waste classification number (as identified in 40 C.F.R. part 261 Subpart D) of the contents or residues in each of the barrels, drums, or other containers. If containers were empty or nearly empty when transported to the Site, describe the former contents. Rules under other laws, such as the Occupational Safety and Health Act ("OSHA") and the Resource Conservation and Recovery Act ("RCRA"), do not provide an acceptable reason for not responding to this question. EPA wants to know what was in the container before it was emptied;*

See response to question no. 7 above. The off spec materials described in that response, residues of which may have been in empty drums sent to Lorentz, consisted of resins

manufactured at the San Carlos plant that failed to meet specifications. The off spec materials was originally liquid; the residue may have solidified. The resins were urethane, copolymer and alkyd resins.

Furthermore, other empty barrels containing non-hazardous materials were sent from the Spencer Kellogg facility to Lorentz in addition to those described in response no. 7. These barrels formerly contained vegetable oils (tall oil fatty acids, bodied linseed oil, china wood oil, coconut oil, and castor oil), polyalcohols (1, 3 butylene glycol and polypropylene glycol), mineral spirits, VMNP naptha, xylo, toluol, and isopropyl alcohol. Textron believes that approximately 140 such barrels were sent, on average, to the Lorentz facility.

- D. *provide Material Safety Data Sheets ("MSDS") for any products identified in response to subpart C, above, and if any MSDS you provide lists a chemical mixture, provide the chemical composition and formulation of that mixture;*

Textron sold the San Carlos plant as a going concern and accordingly is informed and believes that all documents within the scope of this request were left at the San Carlos plant in 1985. Accordingly, Textron is informed and believes that it possesses no documents responsive to this request.

- E. *describe the quantity of the contents or residues in each of the barrels, drums, or other containers (you must answer this question even if containers were empty or nearly empty when transported to the Site);*

Textron lacks specific information responsive to this request. The barrels from the San Carlos plant were empty before being sent to the Lorentz site, and Textron accordingly is informed and believes that the barrels contained, at most, residues of the former contents thereof.

- F. *describe any labelling on any transported containers.*

Textron is unaware of any such labelling.

C. **TEXTRON'S RESPONSES TO EPA'S INFORMATION  
REQUEST TO "KELLY PICKERING"**

1. *Provide the following information regarding "urethane, copolymer and alkyd resins" referred to in Textron's response to Question #2 [this question refers to Textron's 1989 response to EPA's initial information request to Kelly Pickering]:*

- A. *describe the nature, including chemical composition and formulation, trade or product name, and, if applicable, provide the EPA hazardous waste classification number (as identified in 40 C.F.R. Part 261 Subpart D) of each substance;*

Textron has not owned the San Carlos plant since 1985, and accordingly, to Textron's knowledge, none its officers or employees possess knowledge or information responsive to this request. Such information may be available from the current owner and operator of the San Carlos plant, which Textron is informed and believes was, as of 1989, Reichold Chemicals Corp.

- B. *provide Material Safety Data Sheets ("MSDS") for any products identified in response to subpart A, above, and if any MSDS you provide lists a chemical mixture, provide the chemical composition and formulation of that mixture.*

Textron sold the San Carlos plant as a going concern and accordingly is informed and believes that all documents within the scope of this request were left at the San Carlos plant in 1985. Accordingly, Textron is informed and believes that it possesses no documents responsive to this request.



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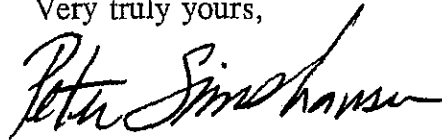
2. *Identify all hazardous substances used, manufactured, produced, or generated at your facility (whether raw materials, intermediate product, final product, or materials used in maintenance of your facility, such as cleaning materials) that may have been placed in barrels or drums at any time during the period in which your barrels, drums, or other containers went to the Site. Include, if applicable, the EPA hazardous waste classification number(s) identified in 40 C.F.R. Part 261 D for each such substance.*

See response to question no. 7 in part "B" (responses to information request to Spencer Kellogg) above.

D. CONCLUSION

Please do not hesitate to contact me if you have any questions about the foregoing. I will be providing you a verification for this response in the near future, under separate cover.

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter Simshauser", written in a cursive style.

Peter Simshauser

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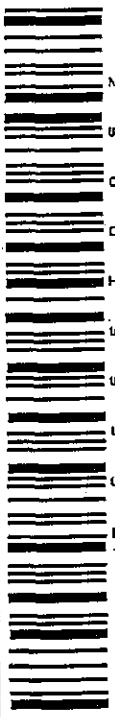
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Darrin Swartz-Larson

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